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9 Toshiba Corporation and  
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10

11 [Additional Parties and Counsel Listed on Signature Page]

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 **IN RE OPTICAL DISK DRIVE**  
16 **ANTITRUST LITIGATION**

Case No. M:10-cv-02143-VRW

MDL No. 2143

DEFENDANTS' NOTICE OF JOINDER  
REGARDING MOTION BY THE UNITED  
STATES FOR A LIMITED STAY OF  
DISCOVERY

Hearing:

Date: June 24, 2010

Time: 10:00 a.m.

Place: Courtroom 6, 17<sup>th</sup> Floor

The Honorable Vaughn R. Walker

This Document Relates To:

**ALL ACTIONS**

1     **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2                 **PLEASE TAKE NOTICE** that Defendants Hitachi LG Data Storage, Inc., Koninklijke  
 3 Philips Electronics N.V., Philips Lite-On Digital Systems, U.S.A., LG Electronics, Inc.,  
 4 Samsung Electronics Co., Ltd., Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America,  
 5 Inc., TEAC America, Inc., Toshiba Corporation, and Toshiba Samsung Storage Technology  
 6 Corporation (collectively, “Defendants”) support the Motion By The United States For A  
 7 Limited Stay Of Discovery filed on May 20, 2010 (the “Motion”) to the extent it calls for a stay.<sup>1</sup>  
 8 However, the scope of discovery that the Government offers as potentially subject to “immediate  
 9 production” is quite broad. Thus, the Defendants believe that any issues regarding discovery not  
 10 encompassed in the Government’s stay proposal should be addressed in the first instance by the  
 11 parties under the Federal Rules of Civil Procedure, including in the Rule 26 process that the  
 12 Court has already scheduled, with the opportunity for appropriate objections and further requests  
 13 for relief from any discovery sought.

14                 Additionally, Defendants expect that the direct and indirect plaintiffs (“Plaintiffs”) will  
 15 file Oppositions to the Motion. It is possible that Plaintiffs will advance arguments in their  
 16 Oppositions that have a direct impact on the Defendants, and although the Defendants cannot  
 17 anticipate at this time whether they will want to address any such arguments, Defendants reserve  
 18 the right to present their position to the Court should the need arise.

19                 Finally, Defendants reserve the right to object or otherwise oppose the Motion should the  
 20 Government modify the nature or scope of the relief it seeks: (1) as a result of negotiations with  
 21 counsel for the Plaintiffs; (2) in its Reply Memorandum; or (3) during oral argument at the  
 22 hearing on the Motion.

23  
 24  
 25                 <sup>1</sup> Although Defendants agree with the nature and scope of relief presently sought by the  
 26 Government in its Motion, Defendants do not adopt the arguments made therein. For example,  
 27 Defendants do not agree with the Government’s statement that a guilty plea or conviction in a  
 related criminal proceeding “would eliminate the need for Plaintiffs to prove civil liability and  
 would allow them to focus solely on proving damages.” Irrespective of any guilty plea, among  
 other things, Plaintiffs would be required to prove impact and causation in order to establish civil  
 liability for a violation of the antitrust laws, as well as liability for all Defendants who have not  
 pleaded guilty.

1 DATED: June 3, 2010

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Belinda S Lee  
Casandra L. Thomson

6 RAMSEY & EHRLICH LLP

7 By /s/ Ismail Jomo Ramsey  
Ismail Jomo Ramsey  
8 Attorneys for Defendant Hitachi LG Data  
9 Storage, Inc.

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11 Electronics N.V. and Philips Lite-On Digital  
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By /s/ David H. Bamberger  
David H. Bamberger (*pro hac vice*)  
14 Attorneys for Defendant TEAC America, Inc.

O'MELVENY & MYERS LLP

15 By /s/ Ian Simmons  
Ian Simmons (*pro hac vice*)  
16 Attorneys for Defendant Samsung Electronics  
17 Co., Ltd.

BOIES SCHILLER & FLEXNER LLP

By /s/ John F. Cove, Jr.  
John F. Cove, Jr.  
18 Attorneys for Defendant Sony Corporation,  
19 Sony Optiarc, Inc. and Sony Optiarc America,  
20 Inc.

**ATTESTATION OF FILING**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Belinda S Lee, hereby attest that concurrence in the filing of this Reply has been obtained from Defendants Hitachi LG Data Storage, Inc., Koninklijke Philips Electronics N.V., Philips Lite-On Digital Systems, U.S.A., LG Electronics, Inc., Samsung Electronics Co., Ltd., Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America, Inc., and TEAC America, Inc. that have provided conformed signatures above.

26 By /s/ Belinda S Lee  
Belinda S Lee  
27 Attorneys for Defendants Toshiba Corporation and  
28 Toshiba Samsung Storage Technology Corporation